



FOR IMMEDIATE RELEASE
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*Office of the United States Attorney
District of Arizona*

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FORMER JUDGE SENTENCED IN THEFT CASE

PHOENIX, Arizona -- Darlina C. Mercado, age 43, of Sacaton, Arizona, a member of the Gila River Indian Community, and a former Tribal Court Associate Judge, was sentenced by U.S. District Court Judge Neil V. Wake on July 17, 2006, to five years probation, 90 days home detention and restitution of \$36,188 to the Gila River Indian Community. Mercado had pleaded guilty on October 27, 2005, to a felony offense of Theft from an Indian Tribal Organization,

Paul K. Charlton, United States Attorney for the District of Arizona, stated, "The judiciary owes the public more than this. The defendant betrayed a trust to the Gila River Community and to everyone in the legal system."

Mercado had been charged with three counts of Theft from an Indian Tribal Organization. In a plea agreement with the government, Mercado admitted that during 2000 and 2001 she received Gila River Indian Community Education Scholarship money that paid subsistence allowances to students in good standing who were enrolled at the University of Phoenix. Mercado received \$36,188.00 in illegal subsistence awards when she was not enrolled in any courses at the University of Phoenix. According to documents filed with the court, Mercado had at other times enrolled in the same course six times but never attended any classroom sessions. The scholarship requests were approved by the tribe's Education Committee upon the representation by Jacqueline Boni, the former Director of the Student Services Office, that Mercado was eligible for the scholarship funds. Boni is separately charged with similar offenses and is currently pending trial.

Judge Wake noted in imposing sentence on Mercado that she was diagnosed with depression for many years, was stripped by the tribe of her judicial post with its excellent salary, and has suffered the disgrace of her Indian Community. The court held that Mercado's need for psychological treatment could be accomplished while on probation with a condition of home detention. The sentence would serve as deterrent to others who might seek to take advantage of the tribe's free education benefits program. Mercado was ordered to pay \$36,188 in restitution at the rate of \$250.00 per month to offset the loss to the tribe in educational scholarship money.

The investigation in this case was conducted by the FBI and the Gila River Indian Community Auditor's Office. The prosecution was handled by Richard I. Mesh, Assistant U.S. Attorney, District of Arizona, Phoenix, Ariz.

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